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**BEFORE THE  
UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

DATE OF RECEIPT  
12/22/03

DEC 22 AM 11:37

IN THE MATTER OF: )

Southwestern Industrial Contractors )  
and Riggers, Inc. )

Respondent. )

FMCSA-2003-16240 - 1\

TX-2003-0830-US0742

(Southern Service Center)

**RESPONDENT'S REPLY TO FIELD ADMINISTRATOR'S RESPONSE  
TO RESPONDENT'S PETITION FOR REVIEW OF ORDER ON DEFAULT**

Respondent **Southwestern Industrial Contractors and Riggers, Inc.**, submits this reply to the response of the Field Administrator to Respondent's Petition for Review of Order on Default. In reply Respondent would show as follows:

1. Please note that the Field Administrator conspicuously fails to address the first set of objections filed by the Respondent, all of which address the fact that the civil penalty assessed by the Administration exceeds the statutory maximum by \$6,930.00. The Administration has no jurisdiction to impose penalties in excess of the statutory maximum. The Notice of Claim and the Order on Default must therefore be invalidated. The Field Administrator apparently does not contest Respondent's objection.

2. The Field Administrator also fails to address the fact that the Order on Default grants relief not sought by the Administration and fails to limit or condition the relief in the manner specifically requested by the Administration. The Field Administrator apparently does not contest Respondent's objection.

3. Since the Field Administrator has conceded those points, the Order on Default and the Notice of Claim should be vitiated.

Respectfully submitted,

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By:

  
**ROBERT R. FEUILLE**

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Attorney for Southwestern Industrial Contractors  
and Riggers, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was mailed to DAVINA L. FARMER, Agency Counsel, FMCSA Southern Service Center, 1800 Century Boulevard, Ste. 1700, Atlanta, Georgia 30345; DAVID B. MARTIN, Division Administrator, FMCSA 826 Federal Building, 300 East 8<sup>th</sup> St., Austin, Texas 78701; JOHN H. HILL, Assistant Administrator, FMCSA, 400 7<sup>th</sup> Street, S.W., Washington, D.C. 20590; JERRY COOPER, FMCSA 1800 Century Boulevard, Ste. 1700, Atlanta, Georgia 30345 and U.S. DOT DOCKETS, U.S. Department of Transportation, 400 7<sup>th</sup> St., S.W., Rm. PL-401, Washington, DC 20590, on this 14<sup>th</sup> day of July 2005.

  
**ROBERT R. FEUILLE**